

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200580408

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office ☐ Date: ☐
 At the project site ☒ Date: July 5, 2005

PROJECT LOCATION INFORMATION:

State: CO

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates: 40 13 08, 105 15 35

Approximate size of site/property (including uplands & in acres): 0.08 ac

Name of waterway or watershed: St. Vrain

SITE CONDITIONS: ☒ City ☐ Rural

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: ☒ Approved ☐ Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

This wetland may impart be formed by a seep from under the Supply Canal and is also supported by the canal leaking when the canal flows. The canal at this site is non-jurisdictional. If the berm between the canal and this isolated wetland were to be removed it is suspected that the flow from the canal would go to the swale; the wetland water would not drain to the canal. When there is enough water in the wetland the water may exit the wetland and go under a road via a culvert into an upland swale where it crosses under Highway 34 via a cement culvert. In this drainage only high flows will go to Stone Gulch that eventually flows to the St. Vrain Creek. Normal flow seems to go in to the ground

under Hwy 34 prior to exiting from the other side of Hwy 34. At this exit end of the cement culvert under Hwy 34 there is another upland inclusion in the drainage ditch. This drainage is not identified as a tributary and has upland inclusions separating its flow from the St. Vrain Creek. This wetland is neither neighboring, bordering, adjacent, or surface connected to a waters of the U.S.